



# Health and Safety Participation

## Model worker participation agreement

This procedure shall cover all workers. All participants shall act in good faith.

*The Royal Commission on the Pike River tragedy reported that worker participation is essential to keeping workplaces healthy and safe. The effectiveness of worker participation systems should be regularly reviewed and any problems should be addressed.*

*Extensive research in worker participation has shown that collective representation through elected Health and Safety Representatives ensures better outcomes for health and safety. Workers in this process are not passive recipients of information – they must have opportunities to influence decision making.*

*Note: the term ‘person conducting a business or undertaking’ (PCBU) is used in health and safety legislation to identify the person or party in charge – in most workplaces this means the employer.*

## Involving the union in health and safety matters

The parties recognise that the union has an important role in harm prevention in the workplace and that relevant information and minutes of the Health and Safety Committee meetings will be provided to the union. The union may raise concerns or suggestions with the employer

(PCBU) and may ask for issues to be placed on the Health and Safety Committee agenda. The employer recognises the union’s representative role and its shared interest in health and safety, and will engage with the union. The union organiser may attend Committee meetings.

## Health and Safety Representatives

Health and Safety Representatives (HSRs) will be elected by their fellow workers both union and non-union (More details in the appendix).

### By law, HSRs can:

- Issue PINs (Provisional Improvement Notices)
- Direct unsafe work to stop
- Support workers when there is an immediate and/or serious danger
- Investigate complaints
- Represent a worker (including in relation to a complaint)
- Monitor measures taken by the PCBU
- Inquire into anything that appears to be a risk arising from the conduct of the PCBU
- Make recommendations
- Provide feedback to the PCBU
- Promote interests of workers who have been harmed at work including arrangement for rehabilitation
- Attend interviews with the PCBU or a Worksafe inspector (with the consent of affected workers)
- Enter and inspect workplace
- Be accompanied/assisted by another person
- Request information
- Assist other HSRs
- Accompany and consult Worksafe inspector or regulator

## By law, the PCBU must:

- Consult and confer with HSRs about health and safety matters
- Allow HSRs reasonable paid time to carry out their duties
- Provide information to HSRs
- Allow the HSR to be present at a worker's request in all health and safety-related interviews
- Provide the resources, facilities, and assistance necessary for HSRs to fulfil their obligations
- Allow any person assisting HSRs to have access to the workplace
- Permit HSRs to accompany a Worksafe inspector

The PCBU agrees to be available to discuss issues with HSRs as they arise.

## Agreed additional functions – HSRs will:

- Participate in investigating accidents in their area and contribute to the preparation of reports
- Be advised of any inspection, visit, monitoring or audit undertaken in relation to health and safety
- Have an opportunity to participate in the ACC Partnership Programme audit
- Be given an opportunity to meet with the person undertaking the inspection, visit, monitoring or audit
- Be given an opportunity to meet with any new employees, temporary employees or contractors who will be working in the relevant designated work area
- Regularly inspect and investigate their designated work area
- Regularly assess the suitability of health and safety information for their designated work area
- Request outside expertise to investigate and assess hazards
- Inform workers of the outcome of inspections and investigations
- Regularly inspect the contents of first aid kits
- Support workers in their rehabilitation and return to work as requested

Every HSR is entitled to two days paid leave per year to attend a training course provided by Worksafe Reps ([worksafereps.co.nz](http://worksafereps.co.nz)) at the PCBU's expense.



## Health and Safety Committees for larger worksites

The employer will establish a Health and Safety Committee with representatives from:

- Worker HSRs
- Union delegates
- Management

The Health and Safety Committee will not have more management representatives than worker representatives.

The Health and Safety Committee will meet regularly. These meetings will have an agenda and occur during normal work time. If an HSR or delegate has to attend outside of their normal or scheduled rostered work time, they will be entitled to time in-lieu or overtime. All workers must be notified of upcoming Committee meetings and must be given a reasonable opportunity to provide input.

## The Health and Safety Committee will:

- Develop and review the effectiveness of health and safety policies and procedures
- Monitor arrangements for rehabilitation and return to work
- Receive reports on accidents and potentially hazardous incidents
- Receive suggestions from the workers and the PCBU regarding health and safety
- Receive reports on health and safety inspections and audits
- Monitor compliance with legislation, codes of practice, guidelines, and standards relevant to the company
- Request monitoring of the work environment including workplace design and procedures
- Make recommendations on the establishment, maintenance and monitoring of safety systems
- Receive proposals from the employer on new or changed machines, or work methods
- Recommend programmes to eliminate, isolate or minimise hazards in the workplace

- Recommend programmes to reduce particular accidents in the workplace
- Monitor suitability of safety equipment and clothing
- Be regularly informed about management of hazardous substances or equipment in the workplace
- Request and provide feedback on safety training programmes
- Be informed of or request employee health monitoring programmes in relationship to risks
- Ensure safety communications systems are adequate
- Ensure emergency response procedures are adequate

- Request information on health and safety issues in similar industries

Members of the Health and Safety Committee will receive training in health and safety legislation, hazard management and accident investigation.

The Committee will elect a chairperson for a specified period of time agreed by the Committee, and will keep accurate records of all matters that come before it and report regularly.

Worker representatives will meet before each committee meeting.

## Review of agreed worker participation procedures

The employer, the union, HSRs and the Health and Safety Committee will review the worker participation system ideally every 12 months, but no longer than every 24

months. The Committee may also review and make recommendations about specific aspects of the system as appropriate.

## Appendix

Election of Health and Safety Representatives (HSRs)

- There shall be at least one HSR for each workplace or designated work area at a ratio of no less than one HSR to 19 workers.
- HSRs may exercise functions and powers outside their work group when there is a serious risk to health and safety arising from an immediate or imminent exposure to a hazard that affects or may affect a member of another work group.
- They may also assist or accompany another HSR when requested, and may act in the capacity of another HSR when requested by a worker when an HSR is absent or has asked another HSR to cover for them.

- The election of HSRs will be held every 3 years on the anniversary of the signing of this agreement.
- The union and the employer will jointly manage the election process. Each HSR is to be elected by secret ballot by those workers in the work group they will represent.
- If there is only one candidate for the position of HSR the candidate must be endorsed by the workers they are going to represent.
- When an HSR position becomes vacant another election shall be held.
- If the majority of workers in a particular work group ask for an election a new election shall be held.

## Health and Safety Representative training

- Each elected HSR will be required to attend union-based training provided by Worksafe: see [www.worksafereps.co.nz](http://www.worksafereps.co.nz). If this is not available, training will be carried out by a provider of the worker's choice following consultation with the union and the Health and Safety Committee.
- Initial training will take place within 6 months of the election of the HSR. Level 2 training will take place within the 2nd year after the election. Attendance

at Level 3 will be required if the HSR remains in the position for 3 years or more. There will be a training entitlement of 2 days every year.

- At least 14 days' notice must be given to the PCBU of the leave required to attend the training, and taking the leave should not be unduly disruptive to the PCBU's business. The PCBU will pay wages, as well as travel and accommodation if necessary.

## Resources for Health and Safety Representatives

HSRs will have sufficient time to carry out their duties. They will have access to the internet and if a specialist or auditor has been engaged, they will be given the

opportunity to discuss any relevant issues with them. Access to photography equipment will also be provided.